



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

TO: D.T.E. 04-33 Service List (via first class mail and email)

FROM: Tina W. Chin, Arbitrator
Jesse S. Reyes, Arbitrator

DATE: March 1, 2005

RE: Petition of Verizon New England, Inc. d/b/a Verizon Massachusetts for Arbitration of Interconnection Agreements with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Massachusetts Pursuant to Section 252 of the Communications Act of 1934, as amended, and the Triennial Review Order - D.T.E. 04-33

Procedural Notice and Briefing Questions

CC: Mary Cottrell, Secretary

In this proceeding, Verizon New England, Inc. d/b/a Verizon Massachusetts ("Verizon") has argued that the competitive local exchange carriers ("CLECs") listed in Attachment A of this Notice have interconnection agreements that permit Verizon to implement "changes of law" either immediately or after some specified notice period (which, Verizon asserts, has already elapsed). The affected CLECs disagree. In order to address this issue in the final order in this proceeding, the Department will consider whether the operation of change of law and dispute resolution provisions in interconnection agreements of the carriers named in Attachment A affect the dates on which changes of law may be applied (*i.e.*, whether the Department's findings should apply retroactively for the identified CLECs).

Therefore, the Arbitrators direct Verizon and each individual carrier named in Attachment A to file briefing responses to the following questions, in addition to the carriers' briefs on non-rate issues, due March 9, 2005. Replies to these briefing responses may be filed with the parties' reply briefs on non-rate issues, due March 30, 2005.

1. Notwithstanding the carrier's substantive arguments in this proceeding regarding proposed rates, terms, or conditions for any specific service, for each carrier's individual interconnection agreement, please identify each and every term that is relevant to whether or not the interconnection agreement's change of law or dispute resolution provisions permit the parties to implement changes of

“applicable law” without first executing an amendment to the interconnection agreement. In providing your response, please quote the relevant interconnection agreement provisions, citing them by section, and provide highlighted copies of the relevant language.

2. Indicate whether a change of law or dispute resolution provision has been triggered and state the date on which each condition precedent or party obligation (*e.g.*, notice requirements) was met, if applicable, with regard to the implementation of (1) the Triennial Review Order, (2) USTA II, (3) the Interim Rules Order, (4) the Triennial Review Remand Order, or (5) any other statutory, judicial, or regulatory change, state or federal, that you claim did modify the parties’ rights under the interconnection agreement.

Responses to the foregoing questions should also be summarized in tabular form for each individual carrier. Responses for different carriers may be grouped together where the relevant operative provisions of the carriers’ interconnection agreements have identical legal effect.

Finally, please add Jesse Reyes [jesse.reyes@state.ma.us] to your service lists for this proceeding. If you have any questions, please contact Tina Chin at (617) 305-3578 or Jesse Reyes at (617) 305-3735.

ATTACHMENT A

ACC National Telecom Corp.
Acceris Communications Corp. f/k/a Worldxchange Corp.
ACN Communications Services, Inc.
Adelphia Business Solutions Operations, Inc. d/b/a Telcove
BCN Telecom f/k/a NUI Telecom, Inc.
BrahmaCom, Inc.
Broadview Networks, Inc
Broadview NP Acquisition Corp.
Budget Phone, Inc.
BullsEye Telecom, Inc.
Covista, Inc.
CTC Communications Corp.
DIECA d/b/a/ Covad Communications Corp.
DSCI Corp.
DSLnet Communications LLC
Equal Access Networks LLC
Essex Acquisition Corp.
Focal Communications Corp. of MA
ICG Telecom Group, Inc.
KMC Telecom V, Inc.
Level 3 Communications LLC
Lightship Telecom LLC
LightWave Communications, Inc.
MCI WorldCom Communications, Inc. as successor to Rhythms Links, Inc.
McGraw Communications, Inc.
New Horizons Communications Corp.
PaeTec Communications, Inc.
Sprint Communications Company
Talk America, Inc.